

REMARKS

Claims 1-27, 31-36, 38-60 and 62-81 are pending in the present application.

In the office action mailed July 10, 2008 (the "Office Action"), the Examiner rejected claims 1-10, 34-36 and 38-57 under 35 U.S.C. 101. The Examiner further rejected claims 21-27 and 31-33 under 35 U.S.C. 101 because the claimed invention was not directed to a non-statutory subject matter. Claims 12-20, 21-27, 31-33, 59, 60 and 62-81 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-27, 31-36, 38-60 and 62-81 were rejected under 35 U.S.C. 103(a) as being unpatentable over the MDSI reference in view of U.S. Patent No. 5,467,268 to Sisley et al. ("the Sisley patent") and in further view of U.S. Patent No. 6,578,005 to Lesaint et al. ("the Lesaint patent").

Claims 1-10, 34-36, and 38-57 have been cancelled rendering the Examiner's rejection of these claims moot. Cancellation of the claims should not be interpreted as acknowledging the merits of the Examiner's rejection of the claims. The claims have been cancelled to focus the claimed inventions of the present application to those recited by the remaining claims.

With respect to the Examiner's rejection of claim 21 under 35 U.S.C. 101, claim 21 has been amended to recite a computer implemented system having structure thereby satisfying the requirement for statutory subject matter. The Examiner's rejection of claim 21 under 35 U.S.C. 101 should be withdrawn.

With respect to the Examiner's rejection of claims 12-20, 21-27, 31-33, 59, 60, and 62-81, the claims have been amended to address the rejection. The Examiner's rejection of the claims under 35 U.S.C. 112, second paragraph, should be withdrawn.

Discussion and arguments regarding the MDSI reference, the Sisley patent, and the Lesaint patent have been presented in previously filed responses, the substance of which is incorporated in the present response. The following remarks discuss the Examiner's Response to Arguments found at pages 2-4 of the Office Action.

The Examiner maintains the rejection of the claimed invention by arguing that Lesaint teaches an aggregation indicator as recited in the claimed inventions by virtue of the optimization process and the movement of some tasks, but not others. See the Office Action at page 3-4. In particular, the Examiner argues that the description in the Lesaint patent where a

task is flagged as of high importance or as difficult to allocate is not further optimized teaches the limitations recited in the claims.

The Examiner's characterization of the teachings of the Lesaint patent, however, is not accurate. The tasks that are "flagged" as high importance or as difficult to allocate are not tasks that have a aggregation indicator in which the indicator is set to a first or second state. Rather, the tasks that are not further optimized are those that are scheduled by the pre-scheduler 30. As described in the Lesaint patent, the tasks that are scheduled by the pre-scheduler are those tasks that are considered difficult to schedule. See col. 12, lines 30-33. The tasks scheduled by the pre-scheduler are not moved during optimization. See col. 16, lines 9-11. As discussed in the previously filed responses, the selection of tasks scheduled by the pre-scheduler and those that are not does not teach or suggest reservations having an aggregation indicator that enables or disables aggregation of the reservation in accordance with an aggregation parameter set. In contrast to the reservations that are aggregated in embodiments of the present invention have the indicator set to enable aggregation or set to not enable aggregation. The Lesaint patent does not teach moving tasks already scheduled by the pre-scheduler during optimization, which are not selected by a user, but selected based on criteria. See *id.*

As further recited, the reservations enabled for aggregation are aggregated according to an aggregation parameter set. This is not taught by the Lesaint patent as well. As argued in the previous response, the Examiner's interpretation of an aggregation parameter set as information that causes aggregation and characterization of the claims that comparison of information enables aggregation are not accurate. The "aggregation parameter set" as recited in the claims "defin[es] information of reservations to be compared during aggregation." The limitation does not suggest the aggregation parameter set as causing or enabling aggregation of the reservation. Rather, the aggregation parameter set sets out the information to be compared if there is aggregation. Thus, even if we assume for the sake of argument the Examiner's characterization of the teachings of the Lesaint patent is accurate, the description of tasks having common information that is used as a basis for preprocessing, is not the same as aggregating reservations according to an aggregation parameter set because in the case of Lesaint, aggregation is caused by the common information, whereas in the claimed invention reservations are aggregated according to the parameter set, where aggregation occurs when the aggregation parameter is set to enable aggregation. That is, having common information does not enable or

cause aggregation. Aggregation as recited in the claims occurs when it is enabled (by the aggregation indicator) for the reservation, and not because there is common information in the reservations.

The MDSI reference and the Sisley patent does not make up for the deficiencies of the Lesaint patent.

Moreover, claims 11, 21, and 58 have been amended to more specifically recite features related to the bumping indicator and bumping matrix. These claims are patentable over the MDSI reference in view of the Sisley patent and further in view of the Lesaint patent because the combined teachings of the references cited by the Examiner fail to teach or suggest the combination of limitations recited by the claims.

For example, claim 11 recites a computer readable medium having computer-executable instructions stored thereon for causing a computer to perform a method for scheduling by performing steps comprising, among other things, adding the reservation, wherein adding the reservation includes identifying a duration, a priority, a location, an appointment window, a mobile service representative, a bumping indicator, and an aggregation indicator and in response to the bumping indicator indicative of enabled bumping of the reservation, bumping the reservation in accordance with a bumping matrix having indicators of automatic bumping and on request bumping for the reservations enabled for bumping.

None of the reference recited by the Examiner, alone or in combination, teach or suggest identifying a bumping indicator when adding a reservation. Moreover, none of the references, alone or in combination, teach or suggest bumping the reservation in accordance with a bumping matrix having indicators of automatic bumping and on request bumping for the reservations enabled for bumping in response to the bumping indicator indicative of enabled bumping of the reservation.

Claim 21 recites a scheduling system for a dispatching environment having a processor and memory, the processor having a scheduling engine for scheduling mobile service representative, the scheduling engine comprising, among other things, a negotiator operable to negotiate an appointment window to perform an order defined by a data structure that includes at least one of an appointment window, a duration, a priority, a location, and a set of skills required to carry out the order, and further includes at least one of a bumping indicator and an aggregation indicator and a bumping component operable to bumping the reservation in accordance with a

bumping matrix in response to the bumping indicator indicative of enabled bumping of the reservation, the bumping matrix having indicators of automatic bumping and on request bumping for the reservations enabled for bumping.

As previously discussed with reference to claim 11, the MDSI reference, the Sisley patent, and the Lesaint patent fail to teach or suggest, alone or in combination, a negotiator operable to negotiate an appointment window to perform an order defined by a data structure that includes at least one of an appointment window, a duration, a priority, a location, and a set of skills required to carry out the order, and further includes at least one of a bumping indicator and an aggregation indicator. Moreover, none of the references, alone or in combination, teach or suggest a bumping component operable to bumping the reservation in accordance with a bumping matrix in response to the bumping indicator indicative of enabled bumping of the reservation, the bumping matrix having indicators of automatic bumping and on request bumping for the reservations enabled for bumping.

Claim 58 recites a computer readable medium having computer-executable instructions stored thereon for causing a computer to perform a method for scheduling mobile service representatives by performing steps comprising, among other things, adding a reservation, wherein adding a reservation includes identifying a duration, a priority, a location, an appointment window, a mobile service representative, a bumping indicator, and an aggregation indicator and in response to the bumping indicator indicative of enabled bumping of the reservation, bumping the reservation in accordance with a bumping matrix having indicators of automatic bumping and on request bumping for the reservations enabled for bumping.

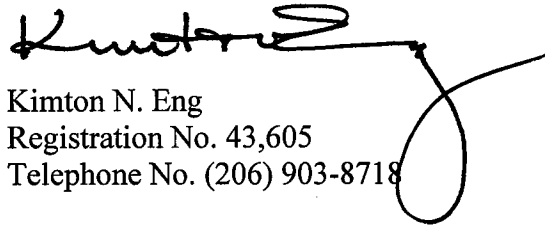
None of the references cited by the Examiner teach or suggest, alone or in combination, identifying a duration, a priority, a location, an appointment window, a mobile service representative, a bumping indicator, and an aggregation indicator when adding a reservation. Additionally, none of the references, alone or in combination, teach or suggest bumping the reservation in accordance with a bumping matrix having indicators of automatic bumping and on request bumping for the reservations enabled for bumping in response to the bumping indicator indicative of enabled bumping of the reservation.

For the foregoing reasons, claims 11, 21, and 58 are patentable over the MDSI reference in view of the Sisley patent, and further in view of the Lesaint patent. Claims 12-20, 22-27, 31-33, 59, 60, and 62-81 are similarly patentable based on at least their dependency from a respective allowable base claim. Therefore, the Examiner's rejection of these claims under 35 U.S.C. 103(a) should be withdrawn.

All of the claims are in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Kimton N. Eng', with a large, stylized loop at the end of the signature.

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